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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YASUSHI TAKAHASHI, KAZUO SUGIYAMA, and
MAKOTO WATANABE

Appeal 2009-000878
Application 09/869,254
Technology Center 2100

Before THU A. DANG, CAROLYN D. THOMAS, and DEBRA K.
STEPHENS, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

I. STATEMENT OF THE CASE

Appellants appeal from the Examiner's final rejection of claims 1, 9, 33, 41-48, 57, 65, 66, and 76 under 35 U.S.C. § 134(a) (2002). We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

A. INVENTION

According to Appellants, the invention relates to a video information editing method and editing device related with generation of preview video of a video title (Spec. 1, ll. 4-6).

B. ILLUSTRATIVE CLAIM

Claim 1 is exemplary and is reproduced below:

1. A video information editing method comprising the steps of:

delimiting at timing of a delimiting instruction a regular edition video, constituted by continuous dynamic images recorded along with recording position information or time lapse information, into shots as units of dynamic images or into scenes each containing at least one shot with the recording position information or the time lapse information associated with the shots or scenes;

preparing an evaluation value of each of the shots or each of the scenes on the basis of the information provided corresponding to each of the shots or each of the scenes,

wherein the information provided includes semantic evaluation information, and

wherein the information provided includes information relating to a presence/absence of a single or a plurality of video characteristic items; and

selecting from the regular edition video the shots or the scenes such that each of the evaluation values of the shots or the scenes satisfies a predetermined condition.

C. REJECTIONS

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Zamara	US 5,917,990	Jun. 29, 1999
Ratakonda	US 5,995,095	Nov. 30, 1999
Hampapur	US 6,738,100 B2	May 18, 2004
		(filed Dec. 20, 2000)

Claims 1 and 33 stand rejected under 35 U.S.C. § 102(e) as anticipated by the teachings of Zamara.

Claims 9, 41-48, and 57 stand rejected under 35 U.S.C. § 103(a) over the teachings of Zamara in view of Ratakonda.

Claims 65, 66, and 76 stand rejected under 35 U.S.C. § 103(a) over the teachings of Hampapur in view of Ratakonda.

II. ISSUE

Has the Examiner erred in finding that Zamara teaches “preparing an evaluation value of each of the shots or each of the scenes on the basis of the information provided corresponding to each of the shots or each of the scenes” wherein “the information provided includes semantic evaluation information” (claim 1), as Appellants contend?

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Appellants' Specification

1. Appellants' Specification defines "semantic evaluation" of video as the evaluation with respect to the impact of the video on the course of the story which is made in conformity with a predetermined standard (p. 11, ll. 6-8).

Zamara

2. Zamara discloses calculation and storage of scene detection data from a source videotape, wherein the scene detection data includes the overall average luminance, i.e. brightness of the frame, and the average difference of pixel-by-pixel luminance between the video frame and the frame immediately before it (col. 3, ll. 7-20).

Hampapur

3. Hampapur discloses extracting the visual representation of a video which involves processing the raw video to extract a set of frames which are visually distinct based on the chromatic difference measure and a user supplied chromatic difference threshold, and operating on the frames which have been chosen (col. 6, ll. 16-22).

IV. ANALYSIS

Claims 1 and 33

Appellants contend that the portions of Zamara cited by the Examiner "disclose the calculation of scene detect data from a single frame of video using an average frame luminance value" (App. Br. 12). Thus, Appellants contend that "such disclosure does not disclose 'the information provided includes semantic evaluation information'" as required by claim 1 (*id.*).

However, the Examiner finds that “Zamara teaches preparing an evaluation value of each of the shots or scenes on the basis of the information provided corresponding to each of the shots or each of the scenes” wherein “the information provided included semantic evaluation information” (Ans. 11). In particular, the Examiner finds that Zamara discloses “a video frame that is characterized by evaluation information such as luminance” (*id.*, emphasis omitted).

To determine whether Zamara discloses “semantic evaluation information” as recited in claim 1, we begin our analysis by giving the claims their broadest reasonable interpretation. *See In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004). Further, we give the claim terms their broadest reasonable interpretation consistent with the Specification. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997).

As explained in *In re Morris*, 127 F.3d at 1054:

[T]he PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification.

Appellants' Specification defines “semantic evaluation” as evaluation with respect to the impact of the video on the course of the story which is made in conformity with a predetermined standard (FF 1). Thus, we interpret “semantic evaluation information” as information associated with the evaluation with respect to the impact of the video on the course of the story, consistent with Appellants' Specification.

In view of this claim construction and after reviewing the record on appeal, we agree with Appellants that the passages cited by the Examiner do not describe this claimed step of preparing an evaluation value based on semantic evaluation information. Although we agree with the Examiner in finding that Zamara discloses preparing an evaluation based on scene detection data which includes average luminance (FF 2), we agree with Appellants that there is no teaching in the sections of Zamara pointed out by the Examiner of preparing an evaluation value on the basis of the information provided corresponding to the shots or scenes wherein “the information provided includes semantic evaluation information” as recited in claim 1 (App. Br. 12). That is, in view of the claim construction above, we find that Zamara does not disclose “semantic evaluation information.”

As such, we find that Appellants have shown that the Examiner erred in rejecting representative claim 1 and claim 33 standing therewith over Zamara.

Claims 9, 41-48, and 57

Claim 9 recites “preparing a semantic evaluation value of each of the scenes on the basis of the information provided corresponding to each of the scenes.” As discussed above with respect to claim 1, we find that Zamara discloses preparing an evaluation based on scene detection data which includes average luminance (FF 2). Similarly, consistent with the definition of “semantic evaluation” set forth in Appellants’ Specification (FF 1), we interpret “semantic evaluation value” as a value associated with the evaluation with respect to the impact of the video on the course of the story. Thus, we similarly find that there is no teaching in the sections of Zamara

pointed out by the Examiner of “preparing a semantic evaluation value” as required by claim 9.

We also find that Ratakonda does not cure these deficiencies of Zamara. As such, we will reverse the rejection of claim 9 and claims 41-48, and 57 standing therewith over Zamara in view of Ratakonda.

Claims 65, 66, and 76

Claim 65 recites “providing semantic evaluation information related to content of one or more of the plurality of shots.” Though the Examiner finds that Hampapur discloses such features, we find that, similar to Zamara, Hampapur does not disclose or suggest “semantic evaluation information.”

Hampapur discloses extracting frames which are visually distinct based on the chromatic difference measure (FF 3). Although we find that Hampapur discloses providing information related to content of the frames/shots, there is no teaching in the sections of Hampapur pointed out by the Examiner of providing “semantic evaluation information” as recited in claim 65. That is, in view of the claim construction above, we find that Hampapur also does not disclose “semantic evaluation information.”

As discussed above, we find that Ratakonda does not cure these deficiencies. As such, we will reverse the rejection of claims 65 and claims 66 and 76 falling therewith over Hampapur in view of Ratakonda.

V. CONCLUSION

Appellants have shown that the Examiner erred in finding claims 1 and 33 anticipated by the teachings of Zamara under 35 U.S.C. § 102(e); in holding claims 9, 41-48, and 57 unpatentable over the teachings of Zamara

in view of Ratakonda under 35 U.S.C. § 103(a); and in holding claims 65, 66, and 76 unpatentable over the teachings of Hampapur in view of Ratakonda under 35 U.S.C. § 103(a).

VI. DECISION

We have not sustained the Examiner's rejection with respect to any claim on appeal. Therefore, the Examiner's decision rejecting claims 1, 9, 33, 41-48, 57, 65, 66, and 76 is reversed.

REVERSED

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